

### AMENDMENTS TO THE DRAWINGS

Amended drawing pages 2/9, 6/9, 7/9 and 8/9 are presented with this paper. Specifically FIG. 2.1 has been amended to include reference numeral 20'. This feature has been previously referenced in FIG. 2.

FIGS 7, 8 and 9 have been amended to remove the solid line in the rim flange.

New FIG 12 is also presented with this paper. FIG 12 showing a schematic indication of features referenced in claims 1, 19, 20 and 21. All of the features disclosed by new FIG 12 are immediately derivable from the original specification, on the basis of the last paragraph on page 14 and claims 17 to 21.

**REMARKS**

This paper is filed in response to the Office Action mailed on 15<sup>th</sup> November 2006. Claims 1-21, 23 and 25 were pending in the application. Claims 7-11 and 14-17 were withdrawn from consideration by a restriction requirement dated 21<sup>st</sup> July 2006. No claims have been amended or added. Therefore, claims 1-21, 23 and 25 are now pending in the application and are submitted for reconsideration.

**Objections to the Disclosure:**

The description was objected to because it failed to provide antecedent basis for the feature "friction reducing surface". In response to this objection, the paragraph commencing on line 13 of page 7 has been amended to specifically reference this surface.

The description has also been objected to for failing to disclose the "elliptical or oval bore" of claim 13. This feature is in fact shown in Figure 2 and is discussed at page 9, line 9.

The description has also been objected to for failing to disclose the engagement of the axle with the drive and the control system. These features are now discussed in the amended last paragraph on page 14. Additionally, the control system was previously disclosed at page 5, line 18 and 19.

Furthermore, the paragraph on page 7 of the description commencing on line 13 has been amended to explain the broken line shown in Figures 1 to 4. This line represents the limit to which the rim can be machined and is a feature well understood in the art.

In view of the above, Applicants respectfully request withdrawal of the objections to the disclosure.

**Objections to the Drawings:**

The drawings were objected to for failing to disclose all of the features of the invention. In response hereto, new FIG. 12 has been submitted to disclose the arrangement of the "vehicle", "the pair of wheels", "the axle", "the wheel set", "the drive" and "the control system".

The "elliptical or oval bore" is now shown in FIGS 2 and 2.1 by feature 20' according to the replacement sheet attached hereto.

Additionally, FIGS 1-4 were objected to for failing to identify the dotted line profile in the rim of the wheel. This line has now been defined in the description. Furthermore FIGS 7-9 were objected to for failing to identify the solid line in the rim. This line has now been deleted. An amended version of FIGS 7-9 is attached as described above.

It is believed that all required features are now clearly disclosed as required by 37 CFR 1.83(a). Applicants respectfully request an indication that the proposed amendments are acceptable.

Rejection of claims 1-4, 19, 23 and 25:

Claims 1-4, 19, 23 and 25 were rejected under 35 USC 102(b) as being anticipated by Ackerman.

The Examiner indicates at Point 7 of the Official Action that Ackerman discloses a rail wheel having a mass 13 resiliently mounted thereto using a spring plate 14 and a spring means 15. It is respectfully brought to the Examiner's attention that in Ackerman, the contact between the mass 13 and the wheel itself is not resilient. The effect of the spring 13 is merely to bias the two parts of flywheel 13, 14 apart to increase friction. Furthermore, according to its present wording, the claim requires "a spring element acting circumferentially between the mass and the wheel set such that the mass can oscillate...". In the case of Ackermann, the vibration damper consists of a flywheel mounted on the wheel. The flywheel is divided into two parts 13, 14 which are held apart by a series of coil springs 2 and guiding pins 8 (see also Figs 1, 2). The springs hold the two parts of the flywheel against pieces of friction fabric 16 and 17. As stated on page 1, lines 88-93, the flywheel may revolve independently of the hub and axle. Thus, when the axle stops, the flywheel may continue to spin until stopped by friction fabric face members 6 and 7. Thus, claim 1 is distinguished over Ackermann which fails to show an oscillating mass in which a spring element acts circumferentially between the mass and the wheel.

It is also respectfully noted that Ackerman fails to suggest or otherwise render obvious the possibility of providing such a resilient mounting to the disclosed damping arrangement. Ackerman is only concerned with increasing the damping in the axle system. There is no suggestion of matching an oscillation of the mass to a resonant frequency of the wheel set. The device as disclosed in Otto appears to relate to mounting a conventional brake disk on a wheel of a rail vehicle. There is no suggestion of any intended motion between disk and wheel. It would thus be most unlikely that the person of ordinary skill would look to Seimiya, which relates to improved resilient mountings between a pneumatic wheel and an axle.

For these reason, reconsideration of the rejection of claim 1 is respectfully requested. Since claims 2 to 21, 23 and 25 are wholly dependent upon claim 1, allowance of these claims is also hereby requested.

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Any extension of time that may be deemed necessary to further the prosecution of this application is hereby requested. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 08-3038, referencing the docket number shown above.

The Examiner is respectfully requested to contact the undersigned by telephone at the number given below in order to resolve any questions.

Respectfully submitted,

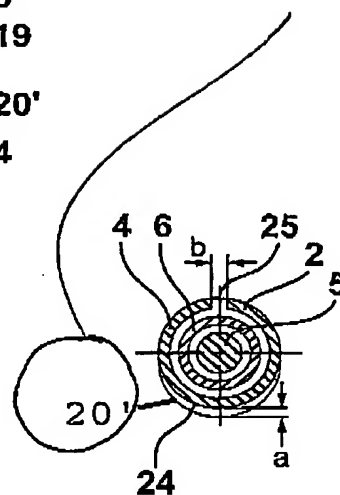


David P. Owen  
Reg. No. 43,344

Date: 14 March 2007

Customer No. 32894  
Howrey LLP  
2941 Fairview Park Drive, Suite 200  
Falls Church, VA 22042  
Fax: 202 383-7195  
Tel: 9 011 31 20 5924411

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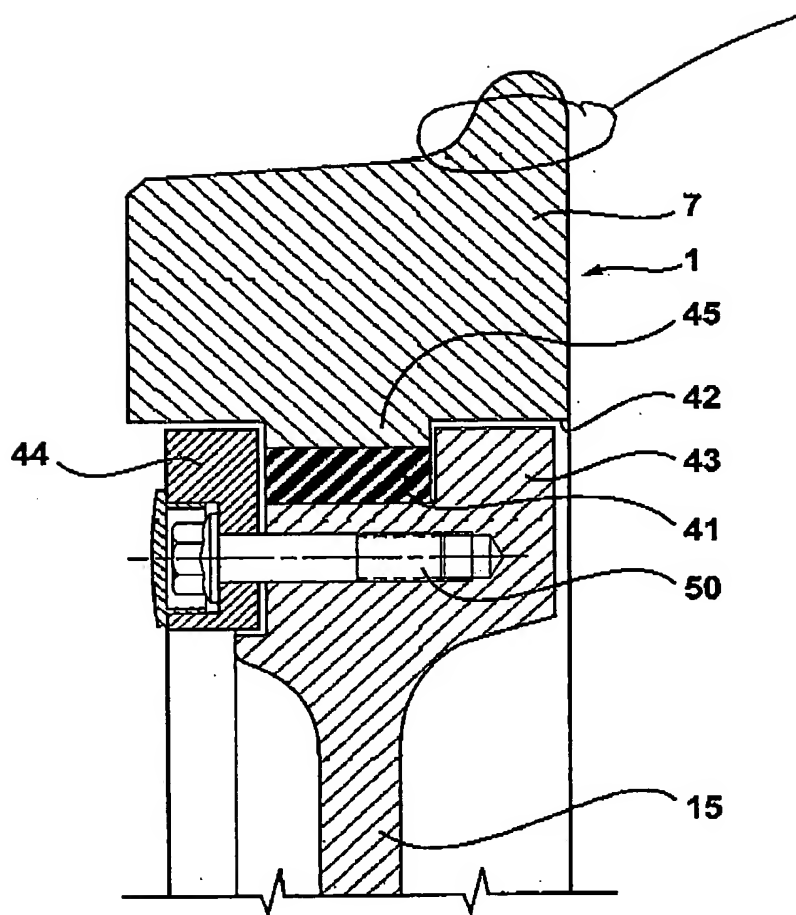


**Figure 2.1**

### Figure 2

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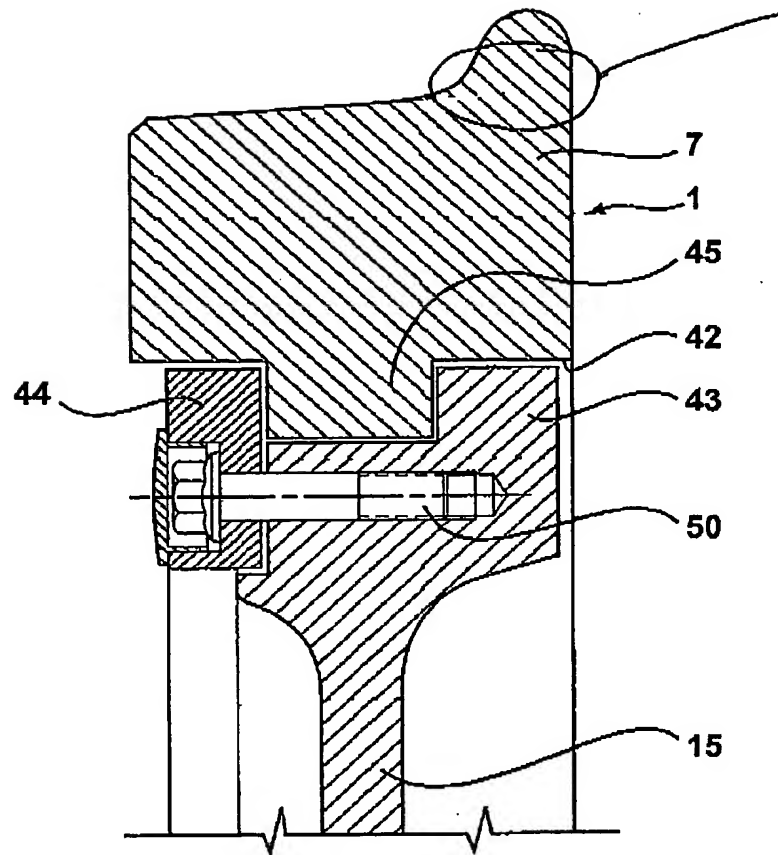
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**Figure 7**

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**Figure 8**

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